

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ARTHUR LEE GATES, JR.,)	
)	
Plaintiff,)	
)	
vs.)	2:11-cv-280-JMS-DKL
)	
INDIANA DEPT. OF CORRECTIONS,)	
et al.,)	
)	
Defendants.)	

ENTRY

I.

The plaintiff-s request to proceed *in forma pauperis* [2] is **denied** because the plaintiff is not entitled to that status. The specific circumstance requiring this ruling is that the plaintiff has acquired three or more Astrikes® through having litigation to which he was a party in a federal court dismissed for failure to state a claim upon which relief could be granted or as frivolous. Therefore, he is not entitled to proceed *in forma pauperis*, unless the exception under 28 U.S.C. ' 1915(g), that he Ais under imminent danger of serious physical injury,@ applies. Those circumstances are not presented by his claim in this case.

In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the 3-strikes determination. For plaintiff Gates- reference, the cases on which the court relies in finding three or more Astrikes® were each filed in the United States District Court for the Southern District of Indiana, and consist of the following:

EV 92-73-C	Dismissed as legally frivolous
EV 90-71-C	Dismissed as legally frivolous
EV 93-31-C	Dismissed as legally frivolous
TH 96-88-C	Dismissed as legally frivolous
EV93-008-C	Dismissed as legally frivolous

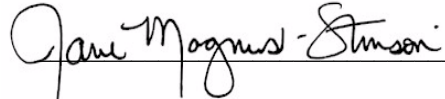
These prior "strikes" were brought to Mr. Gates' attention in the Entry issued on December 13, 2007, in No. 3:07-cv-178-SEB-WGH.

II.

The plaintiff shall have **through November 15, 2011**, in which to pay the \$350.00 filing fee for this action.

IT IS SO ORDERED.

Date: 10/24/2011

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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